

**MINUTES OF THE  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF EDINA, MINNESOTA  
CITY COUNCIL CHAMBERS  
JULY 10, 2013  
7:00 PM**

**I. CALL TO ORDER**

**II. ROLL CALL**

Answering the roll call were: Scherer, Schroeder, Potts, Platteter, Forrest, Grabiell, Carpenter, Carr, Cherkassky, Kilberg Staunton

**III. APPROVAL OF MEETING AGENDA**

Commissioner Carpenter moved approval of the meeting agenda. Commissioner Platteter seconded the motion. All voted aye; motion carried.

**IV. APPROVAL OF CONSENT AGENDA**

Commissioner Scherer moved approval of the June 12 & 24, 2013 meeting minutes. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

**V. COMMUNITY COMMENT**

None

**VI. PUBLIC HEARINGS**

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- A. Comprehensive Plan Amendment, Preliminary Rezoning to Amend the PUD-3 Zoning District, Preliminary Development Plan. Mount Properties/Aurora Investments, 6500 France Avenue, Edina, MN**

**Staff Presentation**

Planner Teague informed the Commission they are being asked to consider a change to the proposal to redevelop the property at 6500 France Avenue. The previously approved plan for

the site was a five-story, 62-foot tall, 102,478 square foot medical office/retail building with an attached 4-5 level parking ramp.

Teague explained that Mount Development and Aurora Investments, LLC are requesting consideration of a change in use to 111 units of senior assisted living; 68 units of traditional care/skilled nursing and memory care beds and 18 care suites. The “care” suites would include short term stays by patients that have had surgery at Fairview Hospital or Twin City Orthopedic (TCO). The building would be similar in style from the previously approved building and still be five stories in height. A pedestrian skyway would connect the building to the hospital parking ramp to the north. The previously approved parking ramp would be removed and replaced with housing. The parking would be provided underground. There would be a 15,000 square foot reduction in the structure footprint from the previous plan.

To accommodate the request, an amendment to the Comprehensive Plan and an amendment PUD Zoning District would be required. Teague further explained that this development proposal is subject to a two-step review process. The first step in the process is to obtain the following approvals: A Comprehensive Plan Amendment to allow senior housing as a permitted use in the Regional Medical District, Preliminary Rezoning to amend the PUD, Planned Unit Development-3 Zoning District; and Preliminary Development Plan.

Teague stated the second step requires: Final Development Plan and Final Rezoning to amend the PUD-3 District and Zoning Ordinance Amendment establishing the PUD.

Teague asked the Commission to note that the applicant is also proposing to provide four (4) units of affordable housing through the Elderly Waiver program. The Planning Commission and City Council may wish to consider requiring additional affordable housing units, perhaps 10% of all the senior housing units, which would be a total of eighteen (18) units.

Planner Teague concluded that staff recommends that the City Council approve the request for a Comprehensive Plan Amendment to allow senior housing in the RMD District; and to potentially allow greater density for senior housing development under certain circumstances on a case by case basis based on the following findings:

1. Senior Housing is a compatible use with the Regional Medical District. It would provide seniors a benefit of having medical facilities within close proximity.
2. Densities for Senior Housing within the RMD & HDR Districts would be determined on a case by case basis, allowing the City some discretion as to when high density for senior housing may be appropriate. Densities for senior housing would be based on proximity to hospitals, proximity to low density uses, utilities capacity, level of transit service available, and impact on adjacent roads. Other desired items to allow greater density include: Below grade parking, provision of park or open space, affordable housing, sustainable design principles, and provision of public art.
3. In general, senior housing generates less traffic than all-age housing or medical office facilities.

Recommend that the City Council approve the Preliminary Rezoning to amend the PUD-3 District, and approve the Preliminary Development Plan.

Approval is also based on the following findings:

1. The proposed land uses are consistent with the Comprehensive Plan, assuming the Comprehensive Plan Amendment is approved.
2. The site layout would be an improvement over a site layout required by standard zoning; the building is brought up to the street, provides podium height, and front door entries toward the street, includes sidewalks to encourage a more pedestrian friendly environment along the street, provides underground parking, and provides an indoor pedestrian connection to the hospital.
3. The design of the building is of a high quality brick, architectural precast concrete, and glass, and is compatible with previously approved medical building.
4. Traffic would be improved in the area by eliminating the right-in and out access on France Avenue.
5. Based on the traffic study done by WSB, the existing roadways can support the proposed development. Traffic generated by the proposed project would be less than the approved medical building for the site.
6. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of linear buildings close to the street to encourage pedestrian movement.
    - Locate prominent buildings to visually define corners and screen parking lots.
    - Locate building entries and storefronts to face the primary street, in addition to any entries oriented towards parking areas.
    - Encourage storefront design of mixed-use buildings at ground floor level, with windows and doors along at least 50% of the front façade.
    - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
  - b. Movement Patterns.
    - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - Limit driveway access from primary streets while encouraging access from secondary streets.

- Provide pedestrian amenities, such as wide sidewalks, street trees, pedestrian-scale lighting, and street furnishings (benches, trash receptacles, etc.)
- c. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
- 7. Higher densities are justified for the following reasons: The project would be connected to the Fairview Hospital by the second level skyway, tying the project to the Hospital; Senior Housing would generate less traffic than the approved medical building with retail on the site; existing roadways would support the project; adequate utilities are available to the site; convenient transit service is available for workers and residents; the building would include sustainable design principles; public art is proposed; affordable housing is offered; and primary parking would be below grade.

Preliminary approval is subject to the following conditions:

1. The Final Development Plan must be generally consistent with approved Preliminary Development Plans dated June 6, 2013; including construction of the skyway connection to the Fairview Hospital parking ramp.
2. A noise study must be done to demonstrate that the proposed mechanical equipment meets all noise regulations.
3. Sustainable design. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the Planning Commission staff report.
4. All buildings must be built with sprinkler systems, subject to review and approval of the fire marshal.
5. Compliance with all of the conditions outlined in the director of engineering's memo dated July 2, 2013.
6. As part of a Developers Agreement the property owner would be required to participate in appropriate cost sharing for signal improvements at 65<sup>th</sup> Street and France Avenue.
7. Adoption and compliance with a PUD Ordinance for the site.

#### **Appearing for the Applicant**

Stephen Michals, Mount Development Co., Ed Farr, Edward Farr, Edward Farr Architects, Susan Farr, Ebenezer and Luigi Bernardi, owner.

#### **Discussion**

Commissioner Carr said in reviewing the submitted materials it appeared to her that the description of Senior Housing includes independent living, assisted living, memory care, and

skilled nursing-Carr asked if any of the tenants of this facility would be under 55-years in age; and if so would that become an issue. Continuing, Carr said she assumes that this facility would allow those under 55 in need that need assisted living, adding clarification may be needed on the definition.

Commissioner Carpenter also noted in the Regional Medical District (RMD) senior housing isn't permitted. Planner Teague agreed, adding when this site was designated as RMD there was no thought of housing of any type in this area; therefore an amendment to the Comprehensive Plan is required

Commissioner Carr asked where the definition of affordable housing comes from. Planner Teague responded it was established by the Met Council.

Commissioner Potts also asked Planner Teague if the City has established a definition for sustainable design principles. Teague responded at this time there is no definition.

Chair Staunton asked Planner Teague if the amendment to the Comprehensive Plan for the previous proposal also included building height. Teague responded in the affirmative.

Commissioner Platteter asked Planner Teague if the ramp that was proposed for the previous approved project for the medical office building was include in the Floor Area Ratio (FAR), and if so would the FAR be similar. Teague responded the ramp was not included in FAR, adding he believes if the ramp were included the FAR would be greater than the FAR of the new proposal.

### **Applicant Presentation**

Steve Michals thanked the Commission for their time and introduced the development team Ed Farr, Susan Farr and Luigi Bernardi.

Ed Farr addressed the Commission reporting that the proposal is for a senior care building that is 5-stories; plus one level of under-building parking at 228,842 square feet. Farr delivered a power point presentation including graphics indicating the building design presents an attractive façade using multiple colors of face brick, warm toned architectural precast concrete wall panels with a variety of surface finishes. Farr pointed out that the corner plaza area will offer outdoor seating coordinating with the City's initiative to upgrade the pedestrian experience. Concluding Farr stated that the NE building corner and France and 65<sup>th</sup> will still have its distinctive glazed backlit crown.

Steve Michals addressed the Commission and explained a number of the units would be high

end and include fireplaces. The building as proposed will contain interactive features such as dining, hair dresser, exercise facilities and theater. Michals said the dining and theater amenities have been offered for use to residents of the Point of France and Cornelia Place. Michals indicated this proposal is different from the previous proposal as it engages the street. This change is because of the change in use. Michals further explained that this project continues to support the pedestrian environment along France with flower gardens and sitting areas similar to the previously approved medical office building. Continuing, Michals said similar to the previously approved project green building practices would be incorporated throughout all phases of the project. Concluding, Michals stated this project would benefit the entire community by creating new jobs, new senior services, increased tax base and a reduction in traffic congestion

Commissioner Grabiell asked the status of the skyway; will it be built. Michals responded the skyway is part of the application and will be built.

Commissioner Carr reiterated the importance of the word “senior” per Ordinance amendment and questioned if that word could become problematic for them. Ms. Farr responded the average age of their residents is 82 years; however, she agreed that for the transitional care component there is no age requirement and they could be younger than the typically accepted 55 years and older for senior designation. Continuing, Farr said Ebenezer is very excited about this location, adding they have been in the senior care industry for over 100 years.

A discussion ensued on the affordability component of the project with Commissioners indicating they felt 4 units may not be sufficient.

Commissioner Platteter asked Mr. Farr if they are keeping the existing boulevard trees. Mr. Farr responded in the affirmative, adding one tree will be removed to accommodate the construction of skyway. Platteter asked if the podium height element is similar to the previous plan. Mr. Farr responded it is similar; on the third level.

Commissioner Potts questioned if (for this project) they would continue to work with Xcel Energy White Group; and if so; when the project is finalized provide measurability targets. Mr. Farr responded they would provide that information to the best of their ability at the time of final approval.

Chair Staunton opened the public hearing.

## **Public Comments**

Maria Field, Heritage of Edina, addressed the Commission and stated in her opinion there are more than enough assisted living facilities in Edina. Field also stated from her experience traffic congestion will become an issue because there are many more deliveries to and from an assisted living care facility than people think (care givers, pharmacy deliveries, oxygen deliveries, etc.). Field asked the Commission to vote “No”.

Kate Sones, Heritage of Edina, echoed Ms. Field that there are too many assisted living facilities within close proximity to each other.

Sandy Havet, Heritage of Edina, agreed with previous comments and reported she found there are 30 assisted living facilities within 10 miles of the subject site.

Bonnie Miller, Heritage of Edina, asked the Commission to vote Nay on the request, noting the impact from employee parking and traffic would be noticeable.

Patty Schumaker, Heritage of Edina, informed the Commission Heritage is one of the few assisted living facilities in the area that accepts affordable housing senior waivers.

Dale Johnson, 6566 France Avenue, #803, informed the Commission he sits on the Board of Directors for the Point of France and reported the Board hasn’t conducted a formal survey soliciting residents opinion of the change in use; however, he learned from speaking with some residents that they were “fine” with the change in use; however, the density was too high.

Ralph Laiderman, 6566 France Avenue, #402, told the Commission in his opinion the proposed assisted living facility is too dense., adding this density is overbuilding on the lot, pointing out the building as proposed would have the highest density in the City. Laiderman also questioned if the proposed balconies meet setback requirements. Concluding, Laiderman asked the Commission to encourage plan revisions for a less dense assisted living facility.

Dalia Katz, 6566 France Avenue, #503, reported that she too believes the density is too high, adding she is very worried how the construction of this building would impact her property values. Katz stated this project will increase parking demand and she is concerned visitors to the new facility may use the parking lot for the Point of France.

Mary Kramer, 6566 France Avenue, #801 stated she believes as a result of the increased density traffic would increase, congestion would occur, including problems with parking. She explained she came face to face with the areas traffic congestion while attempting to cross France Avenue which resulted in an injury. Kramer read into the record a letter from Katherine Abbott, #308.

Craig Alshouse, The Craig Company, 1300 Willowbrook Drive, (property owner of Cornelia Place) told the Commission in his opinion the developer has done a good job with the building’s

design, adding he also supports the use; however, has a number of issues because of the impact this building would have on his residents at Cornelia Place.

Alshouse said he sees three issues of concern. First issue building height; Alshouse said Cornelia Place residents were fine with the height of the approved parking ramp; however, if this proposal is approved as depicted the residents on the east would now be looking up, not down on a building and have expressed displeasure with this change. The second issue is the new location of the entrance for both delivery vehicles and residents. He added the previously approved plan had multiple entrances; not one and this change negatively impact residents. Alshouse noted the new delivery location will now be visible to Cornelia Place residents and the noise of these vehicles backing up would also be negative. Listening to beep beep beep all day from vehicles backing up would get very old fast. Alshouse also observed that the chillers have been relocated from the south side to the west (directly across from Cornelia Place), adding they “cry foul”. Concluding, Alshouse stated that the third concern is density. The density as proposed is higher than anything he’s seen in this area.

Ron Calin, 6566 France Avenue, #901, said he can’t argue with the use; it’s a good one; however, traffic congestion is a grave concern. The traffic that exists within this area is very complex and with the expansion of Fairview Southdale Hospitals emergency component traffic will only get worse.

Mark Waterston, 6566 France Avenue, #1203, stated he agrees with comments on traffic adding from the 12<sup>th</sup> floor he views the comings and goings of traffic. He pointed out the Hospital was “here first” and the additional traffic in this area would be felt.

Jean Emrich, 6566 France Avenue, #508, addressed the Commission and stated she also believes noise from the proposed new building would negatively impact residents of the Point of France. She acknowledged the residential component of the plan is good but with the beeping of service vehicles the quality of life for the Point of France residents would be compromised.

Nancy Otis, 6566 France Avenue, #1211, stated in her opinion the project is too big. She stated she is concerned with parking, traffic congestion and noise. She asked the Commission to force the development team to follow Code.

Lloyd Thorsen, 6566 France Avenue, #610, urged the Commission to reconsider the request and asked the Commission to consider the density of the proposed building, increase in traffic and the fact that in the very near future Fairview Southdale Hospital would be adding an addition. Concluding, Thorsen said this project would change the area.

Alan Erkie, 6566 France Avenue, #602, stated his view would be lost and the building is just too large for the space.



Susan Laiderman, 6566 France Avenue, #402 addressed the Commission and expressed her concern that the City of Edina doesn't have an ombudsman for residents of multiunit properties, pointing out Edina recently hired a residential Redevelopment Coordinator to monitor the R-1 and R-2 zoned properties. She pointed out residents of the Point of France pay taxes too and there is no one to advocate for us. Laiderman said she would submit to City Staff letters from other residents of the Point of France.

Chair Staunton thanked everyone for their participation in the public hearing process and asked if anyone else would like to speak to the issue; being none, Commissioner Grabiell moved to close the public hearing. Commissioner Platteter seconded the motion. All voted aye; public hearing closed.

Chair Staunton asked Chuck Rickart with WSB to speak to the issue of parking and traffic congestion.

Chuck Rickart acknowledged comments from those in the assisted living care industry and residents of the Point of France that traffic congestion is already an issue and this proposal would only add to it. Rickart said it's hard to reconcile the traffic analysis with what the neighbors stated. Rickart explained that traffic movements were evaluated for impacted intersections and the in/out to the site based on the existing conditions, projected 2014 build out and the projected 2030 build out. Levels of service were also monitored during both the AM and PM peak hours to include the daily traffic. The analysis also includes "use" and based on the studies it appears that traffic will increase; however, not at the rate of the previously approved medical office use proposal. Concluding, Rickart said at this time there are no recommendations for improvements to the France Avenue and 65<sup>th</sup> Street intersections; however should delays and queuing become an issue in the future the Aurora on France development would be responsible for their share of those improvements.

Commissioner Forrest said her concern is more with the new access to the site. She pointed out this one access will be used for everything from deliveries to visitors.

Chair Staunton commented that it appears from the traffic analysis that this proposal generates fewer movements than the past proposal. Rickart responded he agrees with that statement. Continuing, Staunton referred to the balconies and the possibility of their encroachment into the setback. Mr. Farr responded he believes the balconies "jut out" about 1 ½ feet, adding on the final plans the balconies will be addressed in greater detail. Planner Teague commented that "issue" would need further clarification to ensure variances aren't required.

Continuing, Staunton said the comments from Mr. Althouse about the impact this proposal would have on Cornelia Place made sense. The tenants on the east end of that building will now overlook service areas and would be subjected to numerous beep beep beeps from vehicles backing up, adding it's quite a change from the previous proposal. Mr. Farr responded that most of the delivery vehicles will be at a smaller scale with minimum backup. Farr also pointed out the "Memory Garden" will be visible to the upper levels.

Commissioner Carr asked Mr. Farr if he ever considered accessing the loading area off West 65<sup>th</sup> Street. Farr responded that because of the grade he doesn't believe that movement could occur; however is willing to take another look at it.

Commissioner Platteter asked Mr. Farr how many service vehicle trips he expects per day/week. Mr. Farr said he believes the use will generate roughly 20 trips per week. Platteter agreed with Commissioner Carr's comment about relocating the loading dock area and also suggested limiting delivery hours. Ms. Farr interjected and explained that the majority of Ebenezer facilities limit delivery hours to daytime hours (9-4). Platteter asked Planner Teague if there was a way to ensure that at least for large vehicles that loading and unloading could occur only during regular business hours. Teague responded that condition could be part of the PUD conditions.

Commissioner Forrest asked Ms. Farr if she knows the number of workers a facility of this magnitude employs. Ms. Farr responded at this time she doesn't know the exact number; however, she reminded the Commission this facility operates 24/7 in three shifts.

The discussion focused on the relocation of the chillers with Commissioners agreeing that the relocation of the chillers from the south side to the west directly impacted the residents of Cornelia Place not only visually but from noise. Commissioners stated they also want assurances that the chillers meet noise standards. Commissioners also wondered if the chillers could be moved to another location (roof). Commissioner Scherer commented if they consider relocating the chillers to the roof to keep in mind those chillers need to be adequately screened.

Commissioner Grabiell stated he supports the proposal as submitted. He added he doesn't believe the Commission should interject their opinion on if there are "too many" senior housing facilities within a certain area any more than they would comment on if there are too many restaurants or drug stores within a certain area. Grabiell said there is a market demand for this product, reiterating he supports it. Concluding, Grabiell stated he feels the job of the Commission is to do what's best for the City.

Commissioner Schroeder stated his concern with this proposal is that it no longer engages or enhances the pedestrian experience. Schroeder pointed out the previously approved "store front" concept and public access has been completely eliminated. He explained because of this change nothing draws the public in; nothing is proposed to attract human activity. Continuing, Schroeder reiterated that the goal of the City has been to engage the street. Farr acknowledged there is a change because of the use, adding for security reasons he doesn't believe people can just "walk in" off the street. Farr also pointed out seating and landscaped areas remain and would engage the pedestrian. Schroeder said he doesn't agree this proposal is better for France Avenue.

Commissioner Potts said he agrees with Commissioner Schroeder, adding he also has concerns with the west side of the site and believes the proposal negatively impacts the residents of Cornelia Place. Potts stated redesign is needed; it's a good project; however, it's not there yet, adding he can't support the proposal as submitted.

Commissioner Forrest stated she likes the use; however, not at this location. She said she views this area as a premiere regional medical location. Forrest said she remembers when the building across the street was constructed that the expressed vision for this area was regional medical; not residential. Concluding, Forrest said amending the Comprehensive Plan to allow this use also isn't agreeable with her.

Commissioner Carpenter stated his concern is with the impact this proposal has on its neighbors; especially Cornelia Place.

Commissioner Carr stated there are pros and cons with this project; however at the end of the day is in favor of the proposal as submitted with additional conditions. Carr said in her opinion there is no reason to limit affordable housing to four units, the use of the word senior needs clarification, the chillers need to be relocated as per discussion and the setbacks for balconies need to be addressed.

Commissioner Scherer stated she has no issue with the proposed use or density and is not worried about precedent setting; however, she is very concerned with the negative impact this building design imposes on the residents of Cornelia Place. Scherer concluded in her opinion the change to them is radical.

Commissioner Platteter said he agrees with Commissioner Scherer's comments, adding if approved delivery times should be limited to daytime only.

Chair Staunton noted that there appears to be issues with the project and asked the applicant if they would like to continue this to allow time for redesign or vote on the issue. After further discussion the applicants requested a vote.

### **Motion**

**Commissioner Carr moved to recommend approval of an amendment to the Comprehensive Plan and amendment to the PUD Zoning District for 6500 France Avenue based on staff findings; subject to staff conditions with additional conditions 1) increase affordable housing units from 4 to 10%, 2) define what's meant by the word "senior", 3) address the setback issue with balconies, 4) relocate chillers as offered by Mr. Farr to the NE corner of the roof to include an attractive screen for the chillers. Commissioner Grabiell seconded the motion. Commissioner Platteter offered an amendment that deliveries be limited to daytime hours (9-4) this excluded emergency vehicles, and residents moving in and out. Amendment accepted.**

**Chair Staunton called the vote. Ayes; Carr, Platteter, Grabiell, Staunton. Nays; Scherer Schroeder, Carpenter, Potts, Forrest. Motion failed. 5-4**

Chair Staunton thanked everyone for their participation.

## **VII. CORRESPONDENCE AND PETITIONS**

Chair Staunton acknowledged back of packet materials.

## **VIII. CHAIR AND COMMISSION MEMBER COMMENTS**

Commissioner Schroeder reported that he attended the France Avenue meeting discussion On urban design, adding he would continue to update the Commission on this committee.

Chair Staunton reported that the Living Streets committee is getting ready to T-up with Commissioner Carr expressing interest in joining the committee.

Chair Staunton reported the Grandview Committee will soon be “firing up”, adding he will keep the Commission apprised of how that is going.

Commissioner Platteter reminded the audience that the City Council will address the proposed Zoning Ordinance amendments on July 16<sup>th</sup>.

## **IX. STAFF COMMENTS**

None.

## **X. ADJOURNMENT**

**Commissioner Carr moved meeting adjournment at 11:30 pm. Commissioner Platteter seconded the motion. Meeting adjourned.**

*Jackie Hoogenakker*  
Respectfully submitted